

ORDINANCE NO. 7108

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, 10-2, ARTICLE II, SECTION 10-2-16 BY REPEALING THE CURRENT TEXT AND REPLACING IT WITH AND ADOPTING THE 2006 EDITION OF THE *INTERNATIONAL FIRE CODE* TO REGULATE AND GOVERN THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND AMENDING AMARILLO, 10-2, ARTICLE II, SECTION 10-2-18 TO CONFORM TITLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory and Appeals Board and the Fire Marshal, the City Commission now finds it is in the best interests of public health, safety, and welfare to adopt the 2006 edition of the *International Fire Code* to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; providing for the issuance of permits and collection of fees; and, making necessary repeals and amendments to conform other provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That Chapter 10-2, Article II, Section 10-2-16 be and hereby is repealed in its entirety.

SECTION 2. That Chapter 10-2, Article II, Section 10-2-16 be and hereby is amended to now read as follows:

Sec. 10-2-16. Fire code adopted; amendments

Code adopted. There is hereby adopted the 2006 edition of the *International Fire Code*, (published by the International Code Council) including Appendix chapters B & C, with the following amendments, copies of which shall be maintained by the Fire Marshal and Building Official:

Section 101.1 Insert: City of Amarillo

Section 105.1.4 Insert: Fees for Required Inspections and Permits. Is hereby added to read as follows:

An inspection required from the Department of Fire Prevention for obtaining a license or approval from any agency other than the City of Amarillo to engage in an activity, operation, practice or function will be charged a fee as outlined in Table 105.1.4.1. The fee shall be paid

at the time of request and prior to any inspection being performed. A permit required from the Department of Fire Prevention will require a fee as outlined in Table 105.1.4.2. The fee shall be paid at the time of permit application.

TABLE 105.1.4.1 Inspection Fees

	Occupant Load	Fee
Day Care	Up to 50	\$40.00
	51 to 150	\$80.00
	Over 150	\$80.00 for first 150 plus \$40.00 for each additional 100 or fraction thereof
Foster/Group Home/ Shelter	1 to 5	\$40.00
	6 to 15	\$80.00
	Over 15	\$80.00 for first 15 plus \$40.00 for each additional 15 or fraction thereof
Nursing Homes	Up to 50 beds	\$160.00
	51 to 100 beds	\$240.00
	Over 200 beds	\$240 for first 100 beds plus \$80.00 for each additional 100 beds or fraction thereof
Hospitals	Up to 100 beds	\$320.00
	101 to 200 beds	\$400.00
	Over 200 beds	\$400.00 for first 200 beds plus \$80.00 for each additional 100 beds or fraction thereof
Other Facilities	Up to 2,500 sq. ft.	\$40.00
	2,501 to 5,000 sq. ft.	\$80.00
	5,001 to 10,000 sq. ft.	\$120.00
	10,001 to 50,000 sq. ft.	\$160.00
	Over 50,000 sq. ft.	\$160.00 for first 50,000 sq. ft. plus \$40.00 for each additional 25,000 sq. ft. or fraction thereof

TABLE 105.1.4.2 Permit Fees

Operational Permits	\$40.00
Renewal	\$40.00
Standby required	\$300.00
Construction Permits	\$80.00
Re-inspection	\$40.00

Section 106.2.1 Insert: Section 106.2.1 Inspection requests.

It shall be the duty of the permit holder or their duly authorized agent to notify the fire code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Section 106.2.2 Insert: Section 106.2.2 Approval required.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire code official. The fire code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is

satisfactory as completed, or notify the permit holder or his agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire code official.

Section 108 Board of Appeals, *Insert: Construction Advisory and Appeals Board.*

Section 109.3. *Insert: Fine as provided by other provisions of Amarillo Municipal Code of Ordinances for violations thereof.*

Section 111.4. *Amend last sentence, in part: . . . shall be liable for a fine as specified in the Amarillo Municipal Code of Ordinances for violations.*

Section 3308.11 *Delete in its entirety.*

Section 202 Definitions, *Amend/Insert:*

FIRE MARSHAL-The fire code official of the Department of Fire Prevention.

HIGH-RISE BUILDING-A building having any floors used for human occupancy located more than 75 feet (22,860 MM) above the lowest level of fire department vehicle access.

NIGHTCLUB-a place of entertainment open at night, usually serving or allowing the consumption of alcoholic beverages, having a floorshow, or providing music and space for dancing.

Section 307.1.1 *Amend: Prohibited open burning.*

~~Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.~~
No person may cause, suffer, allow, or permit any open burning within the city limits of Amarillo, except as provided by this section.

Exceptions:

1. Recreational fires conducted in accordance with Section 307.
2. Training fires for fire-fighting personnel when conducted in compliance with Title 30 of the Texas Administrative Code, Sections 111.201-111.221.
3. Open burning conducted in accordance with Section 307 for which a permit has been secured from the fire code official.

Section 308.3.1 *Amend: 308.3.1 Open-flame cooking and heating devices.*

Open-flame cooking and heating devices, charcoal grills, outdoor fireplaces and other similar

devices used for cooking, heating, or any other purpose shall not be located or used on combustible balconies, decks, or within 10 feet of combustible construction.

Section 401.3 **Emergency forces notification.** Amend, insert clause in the first sentence:

“In the event an unwanted fire occurs, or the discovery of fire, smoke, or unauthorized release of a hazardous material on a property, the owner...”

Section 503.2.1 Amend end of last sentence: ...~~13~~ 14 feet 6 inches (4115 4420 mm).

Section 503.3 Insert: **Section 503.3.1 Unauthorized Marking.**

No person may mark, post or otherwise identify a private passageway or public roadway as a fire lane, fire zone or in such a manner as tends to create confusion as to whether the passageway is a fire lane without obtaining approval by the fire code official.

Section 503.6 Amend end of first sentence: ~~chief~~ code official.

Section 903.2 **Exception:** Amend, add to end of paragraph:

where approved by the fire code official.

Section 903.2.10 Amend title: **903.2.10 Windowless stories in All occupancies.**

Section 903.3.1.1 Amend, add to end of paragraph:, subject to the approval of the fire code official.

Section 907.2.1 Amend, add second sentence to first paragraph Insert:

In A-2 Nightclubs having an occupant load of 100 or more. Insert new section: **Section 907.2.1.3 System Response in A-2 Nightclubs.** An activation of the fire alarm system shall automatically:

1. Cause illumination of the means of egress with light of not less than 1 foot candle (11 lux) at the walking surface level;
2. Stop all conflicting or confusing sounds and visual distractions; and
3. Activation of a pre-recorded message, clearly audible throughout the building.

Section 910.3.2.2 Amend, add to end of paragraph: - and coordinated with the operation of the sprinkler system.

Section 1028.2 Amend, delete end of first sentence: ~~when the areas served by such exits are occupied.~~

Section 3301.1.3 Amend, delete exception 4 in its entirety.

Section 3302.1 **Definitions, Amend, Fireworks 1.4G.** (Formerly known as Class C, Common Fireworks.):

Small fireworks devices containing restricted amounts of pyrotechnic composition designed

primarily to produce visible or audible effects by combustion. Such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOT for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purpose of this code.

Section 3308.11 Delete in its entirety

SECTION 3. That Chapter 10-2, Article II, Section 10-2-18(a) be and hereby is amended to now read as follows:

Sec. 10-2-18. Destruction of fireworks.

(a) The fire department and police department are each authorized to seize and destroy fireworks possessed, handled, or used inside the city limits in violation of this chapter, in accordance with the following procedures:

(1) At the time of seizing fireworks illegally possessed inside the city limits, the fire official or police officer shall prepare an inventory of such fireworks and photograph same at the scene. All such photographs shall constitute and be evidence.

(2) The fire official marshal or designee or police officer shall, by end of the tour of duty during which the fireworks are seized, deposit same into a receptacle dedicated for the purpose by the fire or police department. Such container shall be secure from flames, other sources of ignition, pilfering, and theft.

(3) As soon as practicable thereafter, and in accordance with internal orders and procedures of the fire or police chief, all such fireworks shall be destroyed, disabled, or otherwise rendered useless by any safe method, by personnel trained in the handling of explosives or hazardous materials.

(b)- (c) [TEXT UNCHANGED]

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6. Continuation. That nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.


SECTION 7. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 8. Publishing and Effective Date. This ordinance shall be published according to law and be effective on June 15, 2008.

INTRODUCED AND PASSED by the City Commission of the City of Amarillo, Texas, on First Reading this the 13th day of May, 2008; and PASSED on Second and Final Reading the 20th day of May, 2008.


Debra McCartt, Mayor

ATTEST:


Donna DeRight, City Secretary